

ASSEMBLY BILL

No. 2269

Introduced by Assembly Member Adams
(Coauthors: Assembly Members Conway, Emmerson, Evans,
Gilmore, Mendoza, and Torres)

February 18, 2010

An act to amend Section 3212.2 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as introduced, Adams. Workers' compensation: injury presumption: heart trouble.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, and in the course of, employment.

Existing law provides that, in the case of certain officers and employees of the Department of Corrections and Rehabilitation and each security officer employed at the Atascadero State Hospital, the term "injury" includes heart trouble that develops or manifests itself during a period while the officer or employee is in the service of the department or hospital, and establishes a disputable presumption that heart trouble that so develops or manifests itself arose out of and in the course of the employment.

This bill would add security officers employed at certain hospitals, developmental centers, and community centers to the list of persons to whom the above-described provisions apply.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3212.2 of the Labor Code is amended to read:

3212.2. In the case of officers and employees ~~in the Department of Corrections having custodial duties, each officer and employee in the Department of Youth Authority having group supervisory duties, of the Department of Corrections and Rehabilitation having custodial duties or group supervisory duties~~ and each security officer employed at the Atascadero State Hospital, Canyon Springs Community Facility, Coalinga State Hospital, Fairview Developmental Center, Lanterman Developmental Center, Metropolitan State Hospital, Napa State Hospital, Patton State Hospital, Porterville Developmental Center, or Sonoma Developmental Center, the term “injury” includes heart trouble ~~which that~~ develops or manifests itself during a period while ~~such the~~ officer or employee is in the service of ~~such the~~ department ~~or, hospital, developmental center, or community center.~~

The compensation ~~which that~~ is awarded for ~~such the~~ heart trouble shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the ~~workmen’s~~ workers’ compensation laws of this state.

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The heart trouble so developing or manifesting itself in ~~such those~~ cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a member following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.